ORDINANCE NO. 3309

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 9.02.16 and 9.02.20 of the Kent City Code relating to obstructing, interfering with and resisting public officers.

WHEREAS, the Kent City Code provides that the crimes of obstructing, interfering with or resisting public officers is a misdemeanor which is inconsistent with state law that provides that violations of said crimes is a gross misdemeanor; and

WHEREAS, the City Council desire to amend the City Code to make such violations gross misdemeanors to be consistent with state law and to make other related amendments; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 9.02.16 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.16. Obstructing public officers.

A. A person is guilty of obstructing a public officer if, with knowledge that the person is a public officer, he or she:

1. Intentionally and physically interferes with a public officer;
2. Intentionally hinders or delays a public officer by disobeying an order to stop given by such officer;

3. Intentionally refuses to cease an activity or behavior that creates a risk of injury to any person when ordered to do so by a public officer;

4. Intentionally destroys, conceals or alters or attempts to destroy, conceal or alter any material which he or she knows the public officer is attempting to obtain, secure, or preserve during an investigation, search or arrest; or

5. Intentionally refuses to leave the scene of an investigation of a crime while an investigation is in progress after being requested to leave by a public officer.

6. Intentionally hinders or delays a public officer in the discharge of his or her official duties by making any untrue or misleading statement, report or identification.

B. No person shall be convicted of violating this section if the judge determines with respect to the person charged with violating this section that the public officer is not acting lawfully in a governmental function.

C. For purposes of this section a public officer means those individuals responsible for the enforcement of the provisions in the Code and empowered to make arrest for offenses under the Code or those individuals responsible for the enforcement of the criminal laws of the state.

D. Obstructing a public officer is a gross misdemeanor.

**SECTION 2.** Section 9.02.20 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.20. Interfering with or resisting public officers.

A. A person is guilty of resisting arrest if he or she intentionally prevents or attempts to prevent a peace officer from lawfully arresting him or her.
B. Interfering with or resisting arrest is a gross misdemeanor.

SECTION 3. If any one or more sections, sub-sections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 6 day of August, 1996.

APPROVED 6 day of August, 1996.
PUBLISHED 9th day of August, 1996.

I hereby certify that this is a true copy of Ordinance No. 3209, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

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